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#8

**FACSIMILE TRANSMISSION****FAX RECEIVED****DEC 17 2002****DATE:** December 17, 2002**PETITIONS OFFICE****To:**

NAME	FAX No.	PHONE No.
U.S. Patent & Trademark Office Office of Petitions ATTENTION: GREG TOATLEY	703-308-6916	

**FROM:** Timothy M. Kelley**PHONE:** (414) 271-6560**SENT BY:** Sharon Johnson**EXTENSION:** 3107**LOCATION:** 30SC

NUMBER OF PAGES, INCLUDING COVER:	9		
CLIENT MATTER NUMBER:	092271-9010-01	SENDER'S ACCOUNT NUMBER:	0107

**NOTES/COMMENTS:**

**RE: U.S. Serial No. 09/980,352**  
**Filed: November 30, 2001**

**Following is a REQUEST FOR WITHDRAWAL OF ABANDONMENT along with the supporting papers.**

**Please acknowledge receipt of these documents by return facsimile to (414)277-0656.**

**Thank you very much for your assistance with this matter.**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, OR MAY BE PROPRIETARY CONFIDENTIAL INFORMATION OF A CLIENT, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF YOU EXPERIENCE FAX TRANSMISSION PROBLEMS, PLEASE CALL FAX DEPARTMENT AT (414) 271-6560, Ext. 5467 AS SOON AS POSSIBLE.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Patent Application of

Robert Scott Youngquist, et al.

Application No. 09/980,352

Filed: November 30, 2001

Confirmation No.: 3107

International Application No. PCT/US00/05194

Int'l Filing Date: 01 March 2000

Examiner: Greg Toatley

"BIARYL COMPOUNDS"

I, Sharon A. Johnson, hereby certify that this correspondence is being sent by Facsimile No. 703-308-6916 to the Office of Petitions to the Attention of Greg Toatley, at the U.S. Patent and Trademark Office, on the date of my signature.

Sharon A. Johnson  
Signature

12-17-02  
Date of Signature

## REQUEST FOR WITHDRAWAL OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is responsive to the Notice of Abandonment mailed November 19, 2002. The Notice states that the Applicant did not respond to the Notification of Missing Requirements in a timely manner. However, the Applicant did not receive the Notice of Missing Requirements; and this fact was confirmed by Examiner Greg Toatley. Attached is a copy of our docketing record (which shows that we never received the Notice of Missing Requirements), a copy of the Declaration Combined with Power of Attorney form and a copy of the Notice of Abandonment form.

The Notification of Missing Requirements Form

After a telephone conference on December 17, 2002, Examiner Greg Toatley faxed to the undersigned a copy of the Notification of Missing Requirements form, a copy of this notification is also attached.

In view of the foregoing, Applicant respectfully requests that this Notice of Abandonment be withdrawn and for consideration of the application on the merits.

Respectfully submitted,

Timothy M. Kelley  
Timothy M. Kelley  
Reg. No. 34,201

File No. 092271-9010-01

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560

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DEC 1 / 2002

PETITIONS OFFICE

**Country Application**

17-Dec-02

**Case Number:** 092271-9010**Volume No.:** 002**Country:** US**SubCase:** 01**Client:** University of Texas Southwestern M United States of America**Case Type:** PCT**Application Status:** Pending**Area(s):****Application Number:** 09/980352**Filing Date:** 30-Nov-2001

WO

**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Priority Number:****Priority Date:** 01-Jun-1999**Confirmation Number:****Expiration Date:****Tax Schedule:** LE**Abandonment Date:****Agent:****Agent Reference Number:****List Of Actions**

<b>Action(s) Due</b>	<b>Due Date</b>		<b>Action Taken</b>
STATUS ON RECEIPT OF POSTCARD	30-Dec-2001	Due Date	10-Dec-2001
FILE PRELIMINARY AMENDMENT	28-Feb-2002	Due Date	30-Nov-2001
FILING RECEIPT FOLLOWUP	28-Feb-2002	Due Date	28-Feb-2002
INFORMATION DISCLOSURE STMT.	28-Feb-2002	Due Date	28-Feb-2002
STATUS CHECK ON POSTCARD	05-Apr-2002	Due Date	01-Apr-2002
FILE PRELIMINAR Follow Up Date	30-May-2002	Due Date	10-Dec-2001
STATUS ON RECEIPT/ASSIGNMENT	05-Sep-2002	Due Date	24-May-2002
FILE PETITION TO REVIVE	19-Dec-2002	Due Date	
FILING RECEIPT FOLLOWUP	30-Dec-2002	Due Date	
INFORMATION DISCLOSURE STMT.	30-Dec-2002	Due Date	
STATUS CHECK/ACKNOWLEDGING	05-Jan-2003	Due Date	
14 MO. FOLLOWUP	30-Jan-2003	Due Date	

**User ID:** mak**Date Created:** 12-Dec-2001**Last Update:** 30-May-2002



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/980,352		Robert Scott Youngquist	092271-9010

CONFIRMATION NO. 3107

# ABANDONMENT/TERMINATION LETTER



\*OC000000009056294\*

Timothy M Kelley  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

Date Mailed: 11/19/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/08/2002.

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- No reply was received.

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A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

PETITIONS OFFICE

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Facsimile Transmittal Cover Sheet**

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Office of Petitions**  
**Assistant Commissioner for Patents, Box DAC**  
**Washington, DC 20231**

**To:**

Sharon Johnson  
Company:

**From:**

Gregory J Toatley Jr

**Date:**

12/17/02

**Fax number:****Total no. of pages, including this cover sheet:**

414-277-0656

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**Phone number:****Sender's reference number:**

414-271-6560-ext 3107

**Re:****Recipient's reference number:**

Notice of Missing Requirements

☐ **Urgent**☒ **For Review**☐ **Please Comment**☐ **Please Reply**☐ **Please Recycle**

Ms. Johnson,

Here is a copy of the Notice of Missing requirements as requested.

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**DEC 17 2002**

**PETITIONS OFFICE**

**CONFIDENTIALITY NOTE:**

This facsimile transmission and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this transmission or any attachment is prohibited. If you have received this transmission in error, please notify us immediately by notifying the sender, Gregory J Toatley Jr, at 703-305-4066, and delete this copy. Thank you for your cooperation.

**Return Phone Number: 703-305-4066**

**Return Fax Number: 703-308-6916**



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,352	Robert Scott Youngquist	092271-9010
INTERNATIONAL APPLICATION NO.		
PCT/US00/05194		
I.A. FILING DATE		PRIORITY DATE
03/01/2000		06/01/1999

Timothy M Kelley  
 Michael Best & Friedrich  
 100 East Wisconsin Avenue  
 Milwaukee, WI 53202

CONFIRMATION NO. 3107

371 FORMALITIES LETTER

\*OC000000007256089\*

Date Mailed: 01/08/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

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PETITIONS OFFICE

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.487(a) and (b), identifying the application by the international application number and international filing date.
- \$85 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$85 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,352	PCT/US00/05194	092271-9010